



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 5077-99

9 November 1999

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 18 October 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

1160
PERS-815
18 Oct 99

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ~~ICOP~~

Ref: (a) SNM's DD Form 149 dtd 27 Jul 99
(b) NAVADMIN 117/91
(c) NAVADMIN 099/92

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of petitioner's request.

- Petitioner requested to reenlist in October 1991 upon advancement to ~~Chief Petty Officer~~ and receive the zone "C" SRB entitlement offered in reference (b) for the RM(2319) rate/NEC. Per reference (b) an early reenlistment window is within one month of EAOS. Petitioner's EAOS at the time was 21 Aug 1992.


- Petitioner reenlisted on 18 Aug 1992 for six years to continue active service. Reference (c) released on 14 Jul 1992 did not carry a zone "C" SRB entitlement at the time petitioner reenlisted.

- Petitioner requests to backdate the reenlistment of 18 Aug 1992 to within the eligible timeframe of reference (b) and receive the zone "C" SRB entitlement.

- Petitioner was not miscounseled on SRB entitlements and obliserve requirements because petitioner did not have an eligible window for SRB reenlistment.

2. In view of the above, recommend petitioner's record remain as is.

3. This is an advisory memorandum to reference (a) for the use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.


S. R. CHRISTY
Head,
Reenlistment In